

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

JUDGE FRANK MONTALVO

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Isela Lopez

DEFENDANTS

CAMBRIA ASSISTED LIVING, EMERITUS SENIOR LIVING,
EMERITUS AT CAMBRIA, EMERITUS CORPORATION

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

NOTE: IN LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Byron Calderon, 1801 N. Stanton, El Paso, TX 79902 (915) 533-6078

Attorneys (If Known)

William L. Davis, Rachel D. Ziolkowski, Jackson Lewis LLP, 3811
Turtle Creek Blvd. Suite 500, Dallas, TX 75219 (214) 520-2400

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Section 1332

Brief description of cause:

National origin discrimination/retaliation case pursuant to Chapter 21 of the Texas Labor Code

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

#300003246.

Representing Management Exclusively in Workplace Law and Related Litigation

jackson lewis

Attorneys at Law

Rachel D. Ziolkowski, Esq.

Board Certified – Labor and Employment Law

Texas Board of Legal Specialization

Jackson Lewis LLP
3811 Turtle Creek Boulevard
Suite 500
Dallas, Texas 75219
Tel 214 520-2400
Fax 214 520-2008
www.jacksonlewis.com

ALBANY, NY	GREENVILLE, SC	MORRISTOWN, NJ	PORTSMOUTH, NH
ALBUQUERQUE, NM	HARTFORD, CT	NEW ORLEANS, LA	PROVIDENCE, RI
ATLANTA, GA	HOUSTON, TX	NEW YORK, NY	RALEIGH-DURHAM, NC
BIRMINGHAM, AL	JACKSONVILLE, FL	OMAHA, NE	RICHMOND, VA
BOSTON, MA	LAS VEGAS, NV	ORANGE COUNTY, CA	SACRAMENTO, CA
CHICAGO, IL	LONG ISLAND, NY	ORLANDO, FL	SAN DIEGO, CA
CLEVELAND, OH	LOS ANGELES, CA	PHILADELPHIA, PA	SAN FRANCISCO, CA
DALLAS, TX	MEMPHIS, TN	PHOENIX, AZ	SEATTLE, WA
DENVER, CO	MIAMI, FL	PITTSBURGH, PA	STAMFORD, CT
DETROIT, MI	MINNEAPOLIS, MN	PORTLAND, OR	WASHINGTON, DC REGION
			WHITE PLAINS, NY

RECEIVED
SEP 18 2009
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
September 17, 2009
DEPUTY CLERK

Via Federal Express

BY Mr. William G. Putnicki

U.S. District Clerk's Office

511 East San Antonio Ave., Room 219

El Paso, Texas 79901

**Re: *Isela Lopez v. Cambria Assisted Living,
Emeritus Senior Living, Emeritus at
Cambria and Emeritus Corporation***
**In the United States District Court for the
Western District of Texas, El Paso Division**

Dear Mr. Putnicki:

We enclose for filing in the above-referenced matter the original plus two copies of the following:

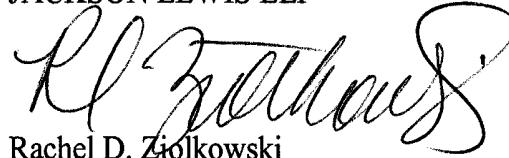
1. *Defendant's Notice of Removal;*
2. *Civil Cover Sheet;*
3. *Supplemental Civil Cover Sheet; and*
4. *Defendant's Disclosure Statement.*

We also enclose our firm check in the amount of \$350.00 for the filing fee. Please return file-stamped copies of the enclosed in the self-addressed, stamped envelope provided for your convenience. By copy of this letter, copies of the enclosed have been forwarded to all counsel of record via certified mail, return receipt requested.

Thank you for your assistance. If you have any questions, please call.

Very truly yours,

JACKSON LEWIS LLP



Rachel D. Ziolkowski

RDZ:eh

Enclosures